

CITY OF BRAZIL

PERSONNEL POLICY

HANDBOOK

Approved December 31, 2008

CITY OF BRAZIL PERSONNEL POLICY

1. PURPOSE AND AUTHORITY FOR PERSONNEL POLICY

It is the policy of the City to set forth a comprehensive listing of the policies and procedures in order to establish and maintain good relations with employees. THE EMPLOYEE HANDBOOK HAS BEEN DRAFTED AS A GUIDELINE FOR OUR EMPLOYEES. IT SHALL NOT BE CONSTRUED TO FORM A CONTRACT BETWEEN THE CITY AND ITS EMPLOYEES. RATHER, IT DESCRIBES THE CITY'S GENERAL PHILOSOPHY CONCERNING POLICY AND PROCEDURES.

2. GENERAL PROVISIONS

A. Effective upon Approval of the Board of Public Works and Safety.

This Policy, which covers all City Employees, shall become effective when approved by the Board of Public Works and Safety, and ratified by the Common Council.

B. Police and Fire Employees

The personnel policies and standard operating procedures of the City Police Department and the City Fire Department are included and made a part of this policy and will be followed by those departments. When there is a conflict, the policies of the specific department (Police or Fire) shall prevail. In the case of the City Fire Department, if any portion of this Policy is found to be in conflict with a collective bargaining agreement, then the collective bargaining agreement shall prevail.

C. Violations of Law

Any portion of this Policy found to be in violation of Federal or State Law or City Ordinance shall be declared null and void.

D. Revision

This Policy and the procedures outlined herein are subject to modification and revision from time to time as determined by the Board of Public Works and Safety and, the Common Council.

3. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to recruit, hire, advance, and compensate without regard to race, religion, color, sex, age, marital status, sexual orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements in order to assure every applicant the opportunity for gainful employment with the City based on his/her own merits. Reasonable accommodations will be made to the job or work environment to enable to perform essential job functions. An individual with a disability will not be considered an unqualified applicant or employee because of an inability to perform marginal or incidental job functions.

A. Hiring Practices

1. Qualifications

Hiring qualifications are defined as those listed in the job description for the position to be filled.

2. Vacancies

When a vacancy occurs, consideration shall be given to current employees who possess the knowledge, skill and ability necessary to fill the vacant position. The position shall be advertised in the newspaper and may be listed with appropriate employment agencies.

3. Selection

Department Supervisors shall be responsible, after consultation with the Mayor, for choosing the best-qualified applicants for openings in their respective departments. Final approval must come from the Mayor.

B. Recruitment and Selection

1. Procedure

The Department Supervisor will initiate the following procedure:

- A. A formal job notice shall be publicly posted in City Hall and in an appropriate place for each department. Copies shall also be sent to the Indiana Department of

- Employment and Training Services and other pertinent agencies.
- B. Job notices shall be posted for a minimum of one (1) week beginning on a Wednesday.
 - C. Indiana Department of Employment and Training Services and newspaper advertising shall be utilized.
 - D. All job notices, postings, ads, recruiting literature, etc., shall contain the phrase "AN EQUAL OPPORTUNITY EMPLOYER".

1. Application

All applicants will be required to complete the standard application form or submit a resume as specified by the job notice.

2. Pre-Employment Procedure

Immigration and Naturalization Form 1-9, with supporting documents must be filed by every new employee within two (2) weeks of employment, otherwise permanent employment cannot take place.

The employee will be referred to the Clerk-Treasurer's office to complete payroll and tax forms as well as the Federal Pre-Employment Information Form

Insurance forms will be completed with the Insurance Administrator.

Personal information forms will be completed with the Human resource department.

*Hire date will be noted as the first day the employee is actually on the job receiving pay.

3. Probationary Period

Each employee will undergo a ninety-day probationary period. During this time period, the Department Supervisor will evaluate at the end of the first thirty (30) days. If at this time there are weaknesses or deficiencies the employee will have another evaluation at the end of the second thirty (30) days to improve. If the weakness or deficiencies are not corrected, then the employee will be terminated immediately. A probationary employee will be evaluated at the end of the ninety (90) day probationary period. The written evaluations shall be placed in the employee's personnel file.

4. Affirmative Action

The City shall promote its policy of Equal Employment Opportunity by actively pursuing all elements of its Affirmative Action Program, attached to this policy.

5. At Will Employment

All employment and compensation with The City of Brazil is "at will" which means that employees employment can be terminated with or without cause, and with or without notice, at any time, at the option of either The City of Brazil or the employee, except as otherwise provided by law.

4. DEFINITIONS

A. Active Paid Status

An employee shall be in an active paid status when he/she is drawing earned

compensation for employment, paid sick leave, or paid vacation leave.

B. City

Refers to the City of Brazil, Indiana.

C. EEOC

Refers to the Equal Employment Opportunity Commission.

D. FMLA

Refers to the Family and Medical Leave Act of 1993

E. Full Time

Full time regular - Includes all employees who are regularly scheduled to work thirty (30) hours per calendar week or more all year.

Full time Temp - This includes seasonal employees such as certain parks and recreation employees,

if they are regularly scheduled to work thirty (30) hours per calendar week or more during the season of employment.

*Hire date will be noted as the first day the employee is actually on the job receiving pay.

F. Part-time

Part time regular – Includes any employee who works less than thirty (30) hours per calendar week but is employed for the full year.

Part time temporary – Includes any employee who works less than thirty (30) hours per calendar week and is considered seasonally employed.

G. Overtime

An employee who is required to work more than forty (40) hours per week will be compensated at a rate of time and a half for hours worked over forty (40). Paid holiday hours will count toward this forty (40) hour requirement as well as vacation days, which have been previously cleared and scheduled with the department supervisor, at least two weeks in advance as outlined in Section 7 under Vacation Pay. Holiday hours shall be paid at time and a half and all other leave, including vacation (not cleared and scheduled in compliance with Section 7); personal days; sick days; military leave; court and jury leave; maternity leave; or, leave with out pay will no be counted toward the forty hours per week. Authorized overtime must be approved by the department supervisor in question in accordance with the overtime procedures and forms utilized for each specific department and is subject to final approval by the mayor.

H. On Call

Certain City Employees will remain on call, available for service, during certain hours as directed by the Mayor. Hours on call will be paid at the regular hourly rate. Employees on call will be paid (4) hours at the regular hourly rate for being on call. (2 hours for Saturday and 2 hours for Sunday)

I. Immediate Family

Shall include a mother, father, step-mother, step-father, child, step-child, brother, sister, spouse, spouse's mother or father, grandparents, grandchild or foster-children.

J. Permanent Employee

Refers to an employee whose job is of a nature requiring year-round employment.

K. Policy

Refers to the City of Brazil Personnel Policy.

L. Temporary Employee

Refers to an employee whose job is of a nature not requiring year-round employment, or who is advised at the time of his/her employment that the employment is on a temporary basis.

M. One (1) Day

Refers to the number of hours that an employee normally works in one (1) day. The amount is not exceed (86) hours per pay for police officers, twenty-four (24) hours for firefighters, and eight (8) hours for all other full-time employees, and average number of hours worked in one day for part-time employees.

N. Comp time

Any employee required to work more than forty (40) hours in one week who is not qualified for overtime, shall have the same amount of time off as worked in excess of the forty (40) hours. Employees are eligible for comp time only if the employees' immediate supervisor request the employee to work over and use of comp time must be approved by the supervisor which said approval shall not be unreasonably withheld. Hours must be completed before comp time will be awarded. All comp time must be used or paid for by December 31st of each year, or the employee will lose the comp time.

O. Transfers

A transfer is defined as an employees move from one department to another within the city. The employee will be considered as a new hire for purpose by supervisor in that department, but will retain their vacation, sick time, and holiday. An employee may request a transfer from the posted job openings as stated in section 3B of this policy manual. A transfer may also be made at the discretion of the mayor. An employee that is granted a transfer will not be granted another transfer for 90 days from the date of the transfer. After the said 90 days, the employee will be eligible for future transfers. An exception to this provision may be approved by the mayor under appropriate circumstances.

P. Life-Threatening Illnesses

The City of Brazil recognizes that employees with a life-threatening illness may wish to continue to engage in as many of their normal pursuits as their conditions allow, including work. These employees must be able to meet acceptable performance standards. Performing normal job functions must not exacerbate their conditions. Medical evidence must indicate that their condition is not a threat to other workers.

Supervisors need to be sensitive to the employee's conditions and ensure that the employee is treated consistently with other employees. The City of Brazil seeks to provide a safe work environment for all employees and customers. Therefore, precautions should be taken to ensure that any employee's condition does not present a health and/or safety threat to other employees or customers.

It is the employees' responsibility to let their supervisor know if their illness or injury will affect their job duties. Supervisors are responsible for letting Human Resource, the Mayor and Insurance Administrator know if an employee is unable to perform their duties due to an illness or injury.

When dealing with situations involving employees with life-threatening illnesses, supervisors should:

- Remember that an employee's health condition is personal and confidential, and reasonable precautions should be taken to protect information regarding an employee's health condition.
- Contact the Human Resource Department if you believe that you or other employees need information about terminal illness, or a specific life-threatening illness, possible contagion, or if you need further guidance in managing a situation that involves an employee with a life-threatening illness.
- Contact the Human Resource Department to determine if a statement should be obtained from the employee's attending physician that continued presence at work will pose no threat to the employee, co-workers, or customers. The City of Brazil reserves the right to require an examination by a medical doctor appointed by the city.

5. SALARIES AND RATES OF PAY

Salaries and rates of pay for City Employees are subject to annual review and are set in the City Ordinances as duly passed by the Common Council of the City of Brazil.

6. BENEFITS

A. Insurance Coverage

All full-time regular employees are eligible for the current insurance coverage offered by the City. Employee dependents may be added to the health, dental and vision insurance provided the employee signs the necessary forms and authorizes deduction of the premium from his/her paycheck. An employee must be employed for 30 days before eligible for coverage of insurance. The insurance will be effective on the first day of the month following working one complete calendar month.

Employees will be required to pay a portion of their own and their dependents' health, dental and vision premiums as required by the Administration at the time.

Short Term Disability - City pays 100% of employee premium when offered.
Benefits start on the eighth day of disability if the necessary paper work is completed.
Long Term Disability — City pays 100% of employee premium when offered.
Benefits start after 60 days of disability if the necessary paper work is completed.
Life Insurance - City pays 100% of employee premium when offered.
\$15,000/\$30,000 AD&D.

Supplemental Life insurance for employees and their dependents is voluntary to purchase and will be paid for by the employee.

B. Worker's Compensation

All employees are covered by worker's compensation while on the job.

C. PERF Eligibility

Only patrol officers in the City's Police Department and firefighters in the City's Fire Department are eligible for coverage by Public Employee Retirement Fund (PERF).

D. Retirement Plan – Is offered to all full time regular employees.
Deferred Compensation — City will match \$15.00 per pay if employee contributes \$15.00 or more per pay or 26 times per year.

C. COBRA – Employees going onto COBRA no matter what the circumstances are and regardless of employee status will pay their own COBRA premium and their dependents premiums if any apply.

7. VACATION PAY

After one (1) year of continuous employment, a permanent full-time employee will be eligible for two (2) weeks of paid vacation.

After six (6) years of continuous employment, a permanent full-time employee will be eligible for three (3) weeks of paid vacation.

After fifteen (15) years of continuous employment, a permanent full-time employee will be eligible for four (4) weeks of paid vacation.

After twenty (20) years of continuous employment, a permanent full-time employee will be eligible for five (5) weeks of paid vacation.

Employees may not accumulate more than five weeks of vacation time. Vacation time cannot accrue from year to year. Each such year shall begin on each employee's anniversary date.

Regular employees will be eligible for a corresponding number of vacation days as workdays following the above schedule. (Example, average work week of thirty (30) hours will equal thirty (30) hours of vacation). The average work week is defined as the average number of hours worked in the last six (6) months.

Employees may "sell" vacation time accrued and be paid for same in lieu of taking vacation time, if cleared by the Department Supervisor, as in accordance with applicable City Ordinances. All vacation time taken must be cleared with the Department Supervisor at least two (2) weeks in advance. Employees are limited to selling only up to two (2) weeks of accrued vacation time.

Employees will be eligible to receive two (2) pay checks when selling vacation or accumulated sick leave pay (pursuit section 10). In order to receive a separate check for vacation and accumulated sick leave pay an employee must turn in their request with the first pay of the month. Employees that turn in the request with any other pay will receive these benefits on one check.

8. PAID HOLIDAY SCHEDULE

The following holidays will be paid for full-time regular employees and for part-time regular employees (see regular employees description above), if the holiday falls on a day, which would be part of his/her normal work week:

The city will follow the state's holiday list using the following days.

1. New Year's Day
2. Martin Luther King Jr. Day
3. Good Friday
4. Primary Election Day

5. Memorial Day
6. Fourth of July
7. Labor Day
8. Columbus Day
9. General Election Day
10. Veteran's Day
11. Thanksgiving Day
12. Lincoln's Birthday (to be celebrated the day after Thanksgiving)
13. Christmas Day
14. Washington's Birthday (to be celebrated with day before or after Christmas)

To receive holiday pay, a permanent employee must work his/her regularly scheduled day before and after the holiday. An exception to this would be if the employee is able to provide supporting documentation from a physician confirming the illness, or the employee has vacation time or leave which falls on a period that includes the holiday. If a full or part time regular employee is called out for an emergency on a holiday, the pay shall be the pay for the holiday plus the regular pay for that day. When a full or part time regular employee is scheduled to work on a city recognized holiday, that employee shall be paid 8 hours straight time for the scheduled work day and 8 hours at time and a half for the holiday. In the event a full time employee working swing shift is scheduled to work two separate shifts in a 24 hour period during that holiday, shall be compensated 16 hours straight time for the scheduled work day and 16 hours at time and a half for the holiday. If any of the scheduled work is overtime the rate will be time and a half for overtime plus time and a half for the holiday.

9. PERSONAL DAY

The following personal day will be paid for full time regular employees and for part-time regular employees:

A. Personal Day - used at discretion of employee and with approval of Supervisor.

10. SICK PAY

After three (3) months of employment, full-time regular employees and part time regular employees will be eligible for two (2) days of personal sick pay. Full-time regular employees and part time regular employees will be eligible for one (1) day of personal sick pay each succeeding full month of employment up to a maximum of sixty (60) days. The monthly sick day will be awarded on the first day of each month for those employees eligible. Any employee on long-term leave, including but not limited to sick, military (if the military leave consist of more than 15 days), maternity, or family medical leave, may not accumulate days of personal sick pay while on leave. After three (3) consecutive days of absence due to illness the full time regular or part time regular employee must submit a doctor's certificate to return to work. This certificate shall be given to the Department Supervisor who will attach it to the payroll for that period. Accumulated sick days will

not be paid on a voluntary or on an involuntary termination of employment. Upon retirement any accumulated sick days will be paid to the employee at an amount of twenty dollars (\$20.00) per day.

At the end of any year (December 31) in which an employee's sick leave accumulation has exceeded sixty (60), that excess, not to exceed twelve (12) days shall be paid to the employee at an amount of twenty dollars (\$20.00) per day.

11. BEREAVEMENT LEAVE

It is the policy of the City to provide paid bereavement leave for immediate family (pg. 5 –I) of up to five (5) normally scheduled workdays within ten (10) calendar days, previous to and including the day of the funeral, if necessary. Firemen will not exceed 3 regular scheduled work days. Other family members are allowed up to 2 days. Additional leave may be granted at the discretion of the Department Supervisor with pay. A Department Supervisor may require evidence of death of a family member for paid bereavement leave.

Each department is responsible for maintaining permanent record of absences due to bereavement leave for each employee with a copy of all documents to go into the employee's file.

12. MILITARY LEAVE

It is the policy of the City to provide military leave to any City employee who is a member of the Indiana National Guard or of any reserve component or branch of the naval, air, ground or any other military forces of the United States of America for not more than fifteen (15) days per year without loss of pay or benefits.

13. COURT AND JURY LEAVE

It is the policy of the City to grant an employee leave to serve on a jury or as a witness. An employee called for jury duty will be placed on a leave of absence for the duration of the jury duty. While on this leave, the employee will retain all benefits and continue to accrue sick leave and vacation time. The employee will be paid an amount that, when added to the jury duty compensation, equals the normal pay.

14. MATERNITY LEAVE (*without pay*)

This section is to provide maternity leave to those employees who are eligible. The procedure to be used by the employees is as follows:

1. Full-time regular pregnant employees may request a maternity leave of absence without pay submitting the request to their supervisor. The supervisor concerned shall notify the person in charge of personnel of the actions as soon as the request has been made.
2. The length and duration of maternity leave will be decided by the pregnant woman

and her physician.

3. After the delivery, the employee should notify the supervisor concerned if she desires to return to work. If the employee fails to indicate within twelve (12) weeks whether or not she plans to return to work, and her attending physician feels that she is physically capable of performing her responsibilities, she will be considered as an automatic termination.
4. The employee returning from maternity leave must present a written notification from the attending physician to her supervisor stating she is physically able to return to work.
5. An employee granted a maternity leave of absence shall have her insurance coverage continued while on leave. The same coverage shall apply as before the leave was granted.
6. An employee granted a maternity leave of absence will first exhaust any accrued sick and vacation time.

15. LEAVE WITHOUT PAY

It is the policy of the City to grant extended leave without pay under certain conditions. Leave without pay may be granted as a protection for all full-time regular and part-time regular city employees should a need arise for extended time off work for the following reasons:

- A. Medical Leave**
- B. Personal Leave**

An employee requesting a medical or personal leave must state the reason for the leave, and both the Department Supervisor and the Mayor must approve the leave. A medical or personal leave can be for a period of no more than one (1) month, and may be renewed at the option of the Department Supervisor and Mayor. When returning from medical leave the employee must be able to fulfill the same job requirements as the employee preformed before the time of leave.

C. Family Leave

An employee may request up to twelve (12) weeks of leave without pay pursuant to the Family and Medical Leave Act (FMLA) of 1993. An employee requesting leave under the FMLA, must state the reason for the leave. All reasons as delineated in the FMLA are acceptable, and include, but are not limited to, birth of a child, adoption of a child, or care for elderly parents. Family leave granted pursuant to this section may include periods of leave time granted under No. 14 (Maternity Leave) or No. 15 section A (Medical Leave) at the option of the City. Written notification of requested leave must be made by the requesting employee to the Clerk-Treasurer and the Department Supervisor prior to the leave, stating:

1. The reasons for the leave and,
2. The anticipated duration with the approximate beginning and ending dates.

Under no circumstances may leave without pay under this section be granted for a time period of more than one (1) year.

An employee's return to work to the same job level, job, or salary level cannot be guaranteed, but the department which grants the leave has the responsibility of trying to reinstate the employee to a position as near to the one vacated for the leave, to the extent possible. An employee on leave may be required to give progress reports as to the status of his/her condition throughout the duration of the leave.

The Clerk-Treasurer will keep records of both denials and granted leaves without pay. Leave without pay will not count toward vacation days, sick days, or paid holidays.

16. LAYOFFS

In the event it becomes necessary to layoff City employees, layoffs will be made pursuant to employee classification, and by seniority within classification. All City employees will be notified in advance of any general layoff, termination and/or downgrading. The reason for any layoff, termination and/or downgrading will be clearly stated.

17. DISCIPLINARY ACTION

A. Policy

It shall be the duty of all employees to maintain high standards of cooperation, efficiency, economy and ethics in their work for the City. The Department Supervisor shall organize and direct the work of his/her units to achieve these objectives. Behavior, which falls below these standards, may subject the employee to disciplinary action. Disciplinary action includes verbal or written reprimand, days off or termination as determined by the Department Supervisor.

B. Drug-Free Workplace

All employees working on Federal Contract or Grants are covered by the following policy, in addition to others set forth in this manual:

The City is committed to providing a drug-free workplace and we expect the cooperation of all employees and a similar commitment from them. Pursuant to the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any employee who violates this rule may be subject to discipline, up to and including termination. As a condition of employment, all employees must abide by this rule. In addition, any employee who is convicted of a drug statute violation arising out of conduct occurring in the workplace must notify the City of the conviction within five (5) days after the conviction.

C. Procedure

Whenever an employee's work habits, attitude, appearance, production or personal conduct falls below a desirable standard, the Department Supervisor shall point out the deficiencies within a reasonable time after they are observed and inform the employee of the department's acceptable level of performance. A reasonable time to correct the deficiencies should precede formal disciplinary action whenever reasonable. Verbal and written warnings should precede disciplinary action whenever reasonable. The customary procedure will be first the issuance of an verbal warning, followed by one written warning, advising the employee of specific rule violations.

First Offense: Verbal warning

Second Offense: written warning

Third Offense: suspension without pay for 3 days

Fourth Offense: termination

However, incidents that occur that warrant immediate formal disciplinary action. The above shall not prohibit immediate formal disciplinary action whenever the interest of the City requires such action.

D. Grounds for Disciplinary Action

The following constitute grounds for disciplinary action (up to and including termination): Actions which reflect discredit on the City or hinder the function of City government may result in disciplinary steps. Examples of this include, but may not be limited to, misconduct, inefficiency, incompetence, insubordination, laziness or malfeasance.

E. Grounds for Immediate Termination

The following actions may result in immediate termination:

1. Reporting to work under the influence of alcohol, illegal substances or drugs not prescribed by a practicing physician or dentist, or the use of these substances on the job, job site or during working hours.
2. Commission of a crime while employed by the City.
3. Removal of City property without authorization.
4. Removal of articles of value without authorization of property owner while performing City services.
5. Verbal or physical assault by an employee on other City employees or citizens.
6. Verbally or physically refusing to perform assigned or directed work responsibilities.
7. Participating in or inciting mob action that is a hindrance to the function of City services.
8. Engaging in or condoning racial, sexual or other harassment in the workplace.
9. Bringing or carrying a firearm to the job or during work.
- NOTE: This does not apply to the Police Department.**
10. Reporting for work in an unacceptable condition is not permitted.
11. Loafing and stealing time will not be permitted.
12. Abusive language and (or) behavior will not be permitted.

13. Sexual harassment or sexual misconduct will not be permitted.
 14. Destruction of property either City, public, or private due to carelessness or willful neglect.
 15. Excessive absence or tardiness will not be permitted.
 16. Only work for the City will be performed by City employees while on City time.
 17. The use of City property without proper authorization is not permitted.
 18. Theft of City property will not be permitted and is grounds for immediate termination.
 19. No fighting or horseplay will be permitted.
 20. Being out of your assigned work area without permission will not be permitted.
 21. Using City equipment without proper permission or qualification will not be permitted.
 22. Falsification of documents or dishonesty will not be permitted and is grounds for immediate termination.
 23. Normal policies and procedures will be abided by i.e. parking regulations, smoking regulations, etc.
 24. The failure to carry out a direct order will not be permitted and is grounds for immediate termination.
 25. The refusal to carry out a direct order will not be permitted and is grounds for immediate termination.
 26. Immoral conduct or indecency on company property.
 27. Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same.
 28. When an employee does not call or show up for work.
- This is not an exclusive listing of grounds for immediate termination.

F. Dress Code

Dress Code will be at the discretion of the Mayor and the department supervisor.

18. GRIEVANCE PROCEDURE

A. Policy

It is the policy of the City to ensure prompt consideration and equitable resolution of an employee grievance. Any employee who has a grievance should appeal to (1) the Department Supervisor, (2) and then to the Board of Public Works and Safety, in that order until the grievance is resolved or all appeals exhausted. No terminated employee is eligible for a grievance procedure unless the grievance falls under EEOC or ADA.

B. Good Faith Effort

It is the desire of the City to resolve the grievances informally whenever practicable. Both supervisors and employees are expected to make a good faith effort to resolve each situation as it arises.

C. EEOC Grievances

All employees who believe that they have been denied an Equal Employment Opportunity (i.e., hiring, firing, pay, promotion, benefits, working atmosphere, and any other term, condition or privilege of employment) in any manner because of race, religion, color, sex (including sexual harassment), age, marital status, sexual orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements may use this grievance procedure. This grievance procedure may also be used by employees who believe that they have been discriminated against in violation of the Americans with Disabilities Act. In the event that the person to whom the grievance would otherwise be submitted at any step is alleged to be involved in discriminatory conduct (as described in this section) giving rise to the grievance, the grievance shall skip that step and proceed to the next level. The Equal Employment Opportunity Officer shall inform all employees who believe they have been denied an Equal Employment opportunity that other legal avenues or redress are open for complaints of this nature.

D. Procedure

A grievance should be relayed by an employee to the Department Supervisor, informally within the working hours of the day that the event causing the grievance occurred. The supervisor will attempt to resolve the grievance informally as soon as possible and will render his/her decision orally or in writing to the aggrieved within twenty-four (24) hours. A grievance not resolved by the Department Supervisor must be written and submitted to the president of the Board of Public Works and Safety by the aggrieved.

1. The written grievance must be signed and dated by the aggrieved and submitted to the appropriate board within two (2) working days to the decision rendered by the Department Supervisor.
2. The appropriate board shall review the grievance and render a written decision to the aggrieved within three (3) working days of the second regularly scheduled meeting of the appropriate board, following the submission of the grievance.
3. The aggrieved has the right of his/her own legal representation if so desired.

19. USE OF MOTOR VEHICLES, TOOLS AND EQUIPMENT

A. Safety Observances

Safety precautions in the use of all equipment and in all other actions must be practiced and adhered to at all times. Except for emergency vehicles, speed limit and motor vehicle statutes and ordinances shall be followed at all times and places. City employees are responsible for citation received while in a city owned vehicle. It is the responsibility of the employee to advise their supervisor of any citations they receive. If any employee receives more than one serious vehicle violation in a six month period they will not be allowed to drive any city vehicle. Any employee receiving a citation on or off work for driving while under the influence of drug or alcohol will be suspended from driving any City vehicles until proof of rehabilitation is provided to the City.

B. Maintenance

All city vehicles must be kept clean. Any vehicle or motor equipment assigned to an employee must be checked for oil, water, fuel, tires and etc., by the employee at the end of each workday and before operating. If any vehicle or motor equipment is not performing properly, the employee shall notify the Department Supervisor and shall not move the vehicle or motor equipment until released by the Department Supervisor.

C. Approval of Department Supervisor

No loaning of tools, equipment, or material may occur without the express approval of the Department Supervisor. **NO PERSONAL USE!**

D. Use of City-Owned Vehicles

City vehicles shall be used for official business of the City only and may not be used for private purposes, except where the employee is on call within the City limits. City of Brazil Vehicles may only be taken out of city limits for official city business.

20. PURCHASING PROCEDURES

A. Authorized Purchases

Only the Department Supervisor may make purchases for a department.

B. Purchase Orders

Purchases may be made only after obtaining a purchase order number from the Clerk-Treasurer's office. Water Department must obtain a purchase order number from the Water Office.

C. Approval of Mayor, Utilities Office Supervisor or Clerk-Treasurer

Any purchase in an amount of \$100 or more must be approved by the Mayor or Clerk-Treasurer prior to purchase.

21. JOB QUALIFICATIONS AND DESCRIPTIONS

Job qualifications and descriptions for City Employees are on file in the Mayor's Office and are available upon request. The Board of Public Works and Safety approves all job qualifications and descriptions.

22. Affirmative Action Policies & Practices

The employment policies and practices of the City of Brazil, Indiana is to recruit and to hire employees without discrimination because of race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities and disadvantages unrelated to job requirements and to treat employees equally with respect to compensation and opportunities for advancement, including upgrading, promotion, and transfer. The City adopts these policies and practices to assure compliance with Executive Order 11246, and to reaffirm its continued commitment to a program of equal opportunity and merit employment policies. It agrees to assert leadership within the community and to put forth the maximum effort to achieve full employment and utilization of the capabilities and productivity of all its citizens without regard to race, religion, color, sex, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements. The City further recognizes that the effective application of a policy of merit employment involves more than just a policy of statement and will, therefore, undertakes a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit and to encourage all persons to seek employment with the City and to strive for advancement on this basis.

Dissemination of Policy

The City will take appropriate steps to ensure that all employees are advised of this policy of nondiscrimination and of its interest in actively and affirmatively providing equal employment opportunity, such as;

1. All management personnel and any others in a position to implement this policy, including those engaged in recruiting, training and other personnel activities, will be fully advised of the policy and of their responsibilities with respect to it.
2. The City will establish a system of communication and feedback controls within all management and departmental levels to assure application of the policy throughout the entire City.
3. All supervisory staff personnel will be advised periodically in writing of the importance of providing full and complete equal employment opportunity on all jobs and all phases of work.
4. A copy of the affirmative action program will be made available to all employees to ensure the program is known.

Assignment of Responsibilities

The City will seek qualified minority group applicants for the various job categories and will make particular efforts to increase minority group representation in occupations at the higher levels of skill and responsibility.

1. All schools, colleges, employment offices and other recruiting sources used by the City will be advised in writing of this policy, and will be urged to refer qualified minority groups applicants.
2. Where appropriate, employment advertisements will be placed in newspapers, which are widely read by, and devoted to the interests of, minority groups. In addition, the City will request appropriate minority group agencies to assist in making known the

City's policy and will advise such groups of available employment opportunities. It will also encourage similar employment referrals from present employees.

3. Special efforts will be made to assist qualified minority applicants in obtaining employment in City government.

Placement and Promotion

1. The City will review job categories where few minority group persons are presently employed, and seek to determine the cause of such low minority representation. When necessary, remedial efforts may include such actions as follows:
 - A. Vigorous recruitment of qualified minority group candidates.
 - B. Special discussions with appropriate management, supervisory, or other personnel, regarding the City's policy and its desire to ensure the utilization of qualified minority group personnel at all job levels.
 - C. Re-evaluation of qualifications of the lower echelon of minority group employees to determine whether their skills and capabilities may be more fully utilized at higher job levels or would warrant their transfer to other types of jobs more readily leading to advancement.
2. Promotions will be made entirely on the basis of performance and achievement without regard to race, religion, color, sex, age, marital status, sexual orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements. All employees will have an equal opportunity to compete and produce.
3. Transfers of personnel at all levels will be monitored to ensure that equal consideration, as required by the City policy, has been given to qualified minority group employees.

Training

1. In-house training programs, as well as all other training and educational programs to which the City gives support or sponsorship, will be regularly reviewed to ensure that minority group candidates as well as all other employees are given equal opportunity to participate.

Layoff, Termination and Downgrading

1. The City will ensure that layoffs, termination, downgrading and recalls from layoffs are made without regard to race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements.
2. All City employees will be notified in advance of any general layoff, termination and/or downgrading. The reason for any general layoff, termination, and/or downgrading will be clearly stated.
3. Any City of Brazil property issued to you, such as product samples, tools or uniforms,

must be returned to The City of Brazil at the time of your dismissal or resignation, or whenever your supervisor or a member of management requests it. Employees are responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from the employees paycheck.

Other Activities

1. The City will insure that there is no disparity in the compensation received by minority group employees and other employees for performing equivalent duties, and that opportunities for performing overtime work or otherwise earning increase compensation are afforded without discrimination to all employees.
2. It is the City's policy that none of its facilities will be segregated, and the same policy will be observed with respect to any employee programs or activities, which are sponsored or supported by the City.
3. The City will participate in community service, educational and other programs which assist in providing equal opportunity to all persons without regard to race, religion, color, sex, age, marital status, familial status, national origin, handicaps, disabilities or disadvantages.
4. The City will assist others by sharing its experience and programs to provide full and equal employment opportunities.
5. The City will maintain records and resource files on its EEO programs. Continuous and on-going research will be conducted to develop and implement programs for equal employment opportunities. Programs will be revised, updated, and improved upon wherever possible.
6. The City will make every reasonable effort to engage qualified minority group contractors for its projects. They will be invited to propose for work and technical advice will be given for the preparation and submission of proposals and quotations, including purchase of materials and equipment. Contractors will be encouraged to increase minority group participation in the competitive market of their trades. Periodic reviews will be made to ensure that minority contractors are invited to propose and that assistance is offered to them.

Appendix "C"

CITY OF BRAZIL DRUG AND ALCOHOL ABUSE POLICY AND RULES

Goal

To protect the safety of the employees and to identify any person(s) whose alcohol or other drug use threatens the safety of the workplace.

General Policy

The purpose and rules supporting this policy are:

1. To establish and maintain a safe healthy working environment for all city employees;
2. To reduce the risk of accidents and the resulting injuries to City employees and to

others who come into contact with City employees;

3. To reduce absenteeism and tardiness and to improve City employee productivity;
4. To set a positive example for the community on how a drug and alcohol abuse free work environment can be created and maintained;
5. To comply with state and federal laws, including the Drug Free Workplace Act.

Generally Applicable Rules

1. Employees are prohibited from being under the influence of alcohol or illegal drugs while on duty (i.e. during their work hours). A person shall be considered as having been “under the influence” whenever a drug or alcohol test result indicates the presence of a prohibited drug or an alcohol level beyond the limit established in this policy.
2. Employees are prohibited from possessing, selling, transferring, purchasing, or receiving alcohol or illegal drugs while on duty or while on city property or in city-owned vehicles.
3. Employees are prohibited from reporting to work with any measurable level of illegal drug in their bodies or a blood alcohol level in excess of .02%.
4. Employees are prohibited from bringing to work, or consuming while on duty, any prescription drugs other than that brought and consumed by the person for whom the drug was prescribed. Employees on prescriptions or over-the-counter drugs should not report to work if their use of the drug(s) significantly interferes with their ability to safely and effectively perform their work responsibilities.
5. Employees are prohibited from being tardy or absent from work due to their use of illegal drugs or their abuse of alcohol or prescription drugs.
6. Employees who observe another employee who:
 - a. is under the influence of alcohol or illegal drugs while on duty;
 - b. possesses, sells, transfers, purchases or receives alcohol or illegal drugs while on duty or while on City property or in City-owned vehicles; or
 - c. bring to work, or consume while on duty any prescription drugs other than that brought and consumed by the person for whom the drug was prescribed; should report such to their department supervisor as soon as possible after that observation is made.
7. Employees are prohibited from taking any action that would prevent or interfere with the timely and accurate administration of drug or alcohol testing under this policy and these rules supporting it. Employees who have been directed to undergo a

drug or alcohol test and who fail to cooperate in this process will be considered to have violated this rule.

8. Any violation of these rules will be treated as grounds for disciplinary action. The violation of any one of these rules presents a serious enough situation to warrant immediate termination of employment.

Test Administered

A. Drug Testing

The drug test will screen for illegal drugs including Cannabinoids (marijuana), Cocaine, Opiates (morphine; heroin), Amphetamines (speed), and Phencyclidine (PCP). Employees or candidates for employment subject to this testing will be required to produce a urine, blood, or hair follicle sample at the location designated by the City of Brazil and submit that sample to the person authorized to receive samples. A laboratory equipped and qualified to perform testing of the sample will then test the sample.

B. Alcohol Testing

The alcohol test will measure the amount of alcohol an employee has in his or her body. Alcohol testing will be conducted by a person and facility authorized to conduct such tests, by submitting the employee to a breath test.

When Drug and/or Alcohol Tests Will Be Administered

A. Pre-employment

Any applicant chosen for employment by the City shall be required to submit to a drug test arranged by the City. This test must be taken within the first 30 days of employment. Upon taking the City sponsored drug test, the test must come back negative or the employee will be terminated.

B. Post Accident

Employees shall submit to drug and/or alcohol testing immediately after they have been involved in an accident while operating a City-owned vehicle or a personal vehicle during their work hours. Whenever the accident involves a fatality or injury that causes either the employee or the other party to go to a clinic or hospital for treatment, the employee must also submit a drug and/or alcohol test. A drug and/or alcohol test must also be submitted when the employee receives a citation from law enforcement for a moving violation arising from such accident.

C. Reasonable Suspicion

Employees may be subject to drug and alcohol testing under circumstances where an employee's behavior, speech, body odor, appearance, or information from a reliable and credible source, indicates a strong likelihood that the employee has used alcohol while on duty or is under the influence of an illegal drug. The supervisor who directs an employee to undergo a drug and/or alcohol test based on reasonable suspicion should detail in writing the specific facts, symptoms, observations, or other information underlying his or her determination. The supervisor should attempt to have another responsible person observe the employee prior to ordering the employee to undergo testing, unless the supervisor determines that this is not feasible. Employees should be provided with an explanation on the determination of reasonable suspicion before they are subject to drug and alcohol testing.

Testing Results

A. Consequences of Positive Tests Results

Employees who are subject to drug and/or alcohol testing and whose test results indicate either that they had used an illegal drug or had a blood alcohol level in excess of .02% will be given the chance to pay for a second test to be taken. The type of test will be dictated by the employer. This employee will not be able to work until the results come back. Therefore, the employee can use his or her sick time to be paid during that time off. If their sick time is depleted, the employee will have to take time without pay until the results come back. If the results come back positive a second time, they will be terminated.

B. Confidentiality of Test Results

All information obtained in the course of administering drug and alcohol tests of employees shall be considered confidential medical information and kept confidential to the extent required and allowed, by the state and federal governments. These records will only be discussed with the Mayor of Brazil, Safety Director, and the tested employee.

C. Filing of Test Results

All test results will become part of the individual's safety file, located in the office of the Safety Director and separate from Personnel Files. These files will only be accessible to the Safety Director and Mayor of Brazil.

E-Mail Policy

This e-mail system is the property of The City of Brazil and its subsidiaries. Access is provided to the employee only for the purpose of work-related communications. The employer reserves the power and privilege of monitoring your use, including reading the contents of the employees e-mail messages, and basing disciplinary action on such contents. While occasional use of the system for personal communications with spouses and friends will not result in disciplinary action, the employee may not send messages

through this system that may injure the employer's economic interests; the employee may not send messages that may be offensive; the employee may not send broadcast messages; and the employee may not send messages that pose a risk of compromising confidential information. Third parties may not use the system to communicate with groups of employees for any purpose. If the employer suspects that the employee sends messages that violate the law, the employer may provide copies of those messages to law enforcement agencies, or to persons injured by the messages. The contents of the employees messages also are subject to disclosure upon appropriate request by law enforcement agencies, and in response to civil subpoenas.

Mail

The City of Brazil has established a policy with regard to the creation, distribution, storage, access and disclosure of e-mail messages sent or received by company employees using the company's e-mail system.

- The City of Brazil maintains the e-mail system. This system is provided to assist in the conduct of business within the City.
- Those who use e-mail services are expected to do so responsibly, that is, to comply with all applicable legal restrictions, with this and other policies and procedures of The City of Brazil, and with normal standards of professional and personal courtesy and conduct.
- Access to The City of Brazil e-mail services, when provided, is a privilege that may be wholly or partially restricted by The City of Brazil without prior notice and without the consent of the e-mail user when required by and consistent with law, when there is substantiated reason to believe that violations of policy or law have taken place, or, in exceptional cases, when required to meet time-dependent, critical operational needs.
- The e-mail system is designed to support the conduct of business; the company recognizes that the system will be used for short incidental and occasional personal messages. Such use will not be unreasonably restricted, though such use must be in accordance with this policy. E-mail users must exercise common sense and good judgment.
- Company e-mail services may not be used for; unlawful activities; commercial purposes not under the auspices of The City of Brazil; personal financial gain; personal use inconsistent with this policy; or uses that violate other company policies or guidelines. The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
- The e-mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, other non-job-related solicitations.
- The e-mail system shall not be used to send (upload) or receive (download)-copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

- The company affords e-mail privacy protections comparable to that which it traditionally affords paper mail and telephone communications. It does not routinely inspect, monitor, or disclose e-mail without the holder's consent. However, the company reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. The contents of e-mail properly obtained for legitimate business purpose may be disclosed within the company without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it is often still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the company on request.
- Notwithstanding the company's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees shall not retrieve or read any e-mail messages that are not sent to them, unless authorized to do so. Any exception to this policy must receive prior approval.
- Employees shall not use a code, access, a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission.
- Employees shall not give the impression within any e-mail message that they are representing, giving opinions, or otherwise making statements on behalf of the company or any division of the company unless appropriately authorized to do so.
- Company e-mail users shall not employ a false identity nor send e-mail anonymously.
- Any employees who discover a violation of this policy shall notify their supervisor.
- Violations of this policy may result in disciplinary action, up to and including dismissal may be applicable under company policies, guidelines, and collective bargaining agreements.

Guidelines on e-mail usage

Message size

Large messages, especially when copied to large numbers of people, can be disruptive to the mail service and users should exercise caution before sending them; take up significantly more resource than plain text messages. Where possible (such as in the sending of brief memos) messages should be in plain text format.

Distribution

Do not copy messages to large numbers of people just because it is easy to do so; think carefully about the distribution list you use. When the content of such messages is not of interest or is unnecessary for the majority of recipients, then a significant loss in productivity results from staff reading and purging such messages.

Recipients

It is easy to miss-select recipients from the address list; especially for important and confidential messages, always check the recipients list before sending.

Storage space

Stored messages take up space on the computer systems. You should delete unwanted messages as soon as possible.

Junk e-mail

Junk e-mail consists of unsolicited messages not wanted by the recipients. Users must not send junk e-mail; internal distribution lists must be used only for appropriate purposes.

External junk mail

External junk mail (including “chain messages”) must not be forwarded to other users, nor should they be replied to even where the message suggests that a particular form of reply will prevent the receipt of further messages; simply delete the message immediately.

Security

E-mail is not secure (unless you explicitly use encryption). E-mail can be read at a number of points in its journey from sender to recipient. It rarely is-but it can be. It is wise therefore to regard e-mail messages as postcards rather than a letter. **Confidential messages should not be sent by e-mail.**

Think before sending

People often respond immediately to e-mail messages because the reply process is so simple. However, it is possible to inadvertently cause offence or annoyance with brief e-mail responses; so think before you send. Also, consider whether a personal communication (face-to-face or telephone) would be more appropriate. E-mail should not be used to “hide behind”

Prioritizing

If the e-mail system has an option to set a priority level for messages, use the higher priority levels sparingly-for really important or urgent messages.

21Appendix “D”**Personnel Policy Signature Form**

I, _____, have received and read a copy of “City
(Employee name, print or type)
of Brazil, Personnel Policy and Procedures”.

(Employee signature)

(Date)

This signature page must be signed by the employee and turned into the Mayor's Office. It will be placed in the employee's file.

CITY OF BRAZIL, INDIANA

ORDINANCE 30-2006

AN ORDINANCE ESTABLISHING AND CREATING A HARASSMENT POLICY FOR THE EMPLOYEES AND OFFICERS OF THE CITY OF BRAZIL, INDIANA

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Brazil, Indiana the following policy is established and created for the employees and officers of the City of Brazil.

Section One. Harassment Policy

The City of Brazil is committed to providing a work environment that is free of all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individuals' sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. The City of Brazil provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Section Two. Scope

This policy applies to all City Employees and all third parties on City premises.

Section Three. Purpose

To ensure that all employees have the right to work in an environment free from sexual and other unlawful harassment.

Section Four. Definition

A. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the

harasser. The following is a partial list of sexual harassment examples:

- (1) Unwanted sexual advances.
- (2) Offering employment benefits in exchange for sexual favors.
- (3) Making or threatening reprisals after a negative response to sexual advances.
- (4) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- (5) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- (6) Verbal sexual advances or propositions
- (7) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- (8) Physical conduct that includes touching, assaulting, or impeding or blocking movements. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or
 - (b) Submission or rejection of the conduct is used as a basis for making employment decisions, or
 - (c) The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Section Five. Procedure

- A. All allegations of sexual harassment reported will be quickly and discreetly investigated. To the extent possible, the confidentiality of the person making the report and that of any witnesses and the alleged harasser will be protected. Concerns and reports may be made with out fear of reprisal or retaliation.
- B. If an employee should experience or witness sexual or other unlawful harassment, they shall immediately do one or both of the following:
 - (1) Take action to stop the harassment. While the employee is not obligated to confront the person, he or she may choose to speak privately with the person initiating the offending conduct and ask him or her to stop. It is helpful to provide the person with the reasons why the conduct is offensive, as he or she may be unaware of its impact. If the conduct stops, the employee may choose not to

report the incident. If they believe it would be inappropriate to contact that person, they should immediately contact their supervisor. If the supervisor is unavailable, the Human Resources/Safety Director or the Mayor may be contacted. The time, place, and nature of the complaint should be relayed to the person contacted. The complaint must be made in written form. The Human Resources/Safety Director will, in cooperation with the Mayor, investigate the complaint and take appropriate action. When the investigation is completed, the person filing the complaint will be informed of its outcome.

- (2) Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources/Safety Director or the Mayor's Office so it can be investigated in a timely and confidential manner.
- C. Employees who violate this policy will be subject to disciplinary action up to and including termination. Appropriate action will be taken against third party violators.

Section Six. False Accusations Procedures

The City of Brazil recognizes that false accusations of harassment and sexual harassment can have a serious effect on innocent men and women. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his or her false accusation. Discipline may include termination.

Section Seven:. Repeal of Conflicting Ordinances

All ordinances, or any parts thereof, previously enacted which are in conflict with this Ordinance are hereby specifically repealed.

Section Eight: Time of Effect

This ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, approved by the Mayor, and published as required by law.

A. Ann Bradshaw, mayor of the City of Brazil,
Indiana
ATTEST:

Karen McQueen, Clerk-Treasurer of the
City of Brazil, Indiana

